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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

EAGLE VIEW TECHNOLOGIES, INC. and
PICTOMETRY INTERNATIONAL CORP.,

Plaintiffs,

v.

NEARMAP US, INC.,

Defendant.

**UNOPPOSED MOTION TO AMEND
THE AMENDED PATENT CASE
SCHEDULING ORDER TO EXTEND
THE TIME TO TAKE THE
DEPOSITIONS OF NEARMAP'S
CORPORATE WITNESSES**

Case No.: 2:21-cv-00283

Judge: Ted Stewart

Magistrate Judge: Daphne A. Oberg

Defendant Nearmap US, Inc. (“Nearmap”) hereby moves to amend the Amended Patent Case Scheduling Order, entered on July 26, 2022, to extend the time to December 16, 2022 for Plaintiffs Eagle View Technologies, Inc. and Pictometry International Corp. (collectively, “EagleView”) to take the depositions of Nearmap’s corporate witnesses including Mr. Tony Agresta, Dr. James Besley, Dr. Tom Celinski, Mr. Andrew Millin, Ms. Natasha Ridley, and Mr. Igor Zevaka. (Dkt. No. 99.) Nearmap is headquartered in Australia. Nearmap offered to have its corporate witnesses appear in Australia for deposition, or virtually on dates prior to the November 11, 2022 close of fact discovery. (Ex. 1.) EagleView declined to take remote

depositions or travel to Australia, and instead requested that Nearmap's Australia-based witnesses be made available for in-person depositions in Salt Lake City, Utah. *Id.* Nearmap's corporate witnesses who are based in Australia cannot travel to Utah before the November 11, 2022 close of fact discovery. Rather than engage in a further dispute, Nearmap has agreed to incur the expense of having its corporate witnesses, in this instance, travel to Utah, and Nearmap seeks this limited extension of the fact discovery for this purpose. EagleView does not oppose this motion. *Id.* Alternatively, Nearmap remains prepared to offer the depositions of Nearmap's corporate witnesses virtually or in person in Australia prior to November 11, 2022, but EagleView has rejected that offer.

As set forth above, good cause exists to amend the scheduling order, and there is no prejudice from the amendment. In order to accommodate EagleView's request, Nearmap requests an extension of the fact discovery deadline for the depositions of its corporate witnesses to December 16, 2022, as early December 2022 is the earliest that Nearmap's Australian witnesses are available to travel to the U.S. for depositions. There is no prejudice to the parties from extending the time for fact discovery to December 16, 2022 for the limited purpose of accommodating EagleView's request that Nearmap's corporate witnesses in Australia travel to Salt Lake City, Utah for live depositions.

EagleView has confirmed that it does not oppose this motion, but EagleView does not join in the motion. *Id.* Because EagleView's witnesses are available for live depositions in the U.S. on or before November 11, 2022, EagleView has not requested its own extension of the fact discovery deadline, for example to schedule the depositions of its own witnesses. *Id.* Nearmap agreed to this compromise and has sought this limited extension with this understanding. If

EagleView's position changes, Nearmap reserves its right to offer its corporate witnesses either live in Australia or virtually.

Accordingly, Nearmap requests that the Court grant its unopposed motion.

Submitted this 26th day of October, 2022.

By: /s/ Brent O. Hatch
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